

MOSER LAW FIRM, P.C.



Steven J. Moser
Direct 631-759-4054

April 6, 2020

VIA ECF

Hon. Joan M. Azrack, USDJ
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *D'Aguino v. Garda CL Atlantic, Inc.*, 2:15-cv-04394-JMA-AYS

Dear Judge Azrack:

I represent Dennis D'Aguino, the Estate of Barry Dubrow, and Donald Hess in the above referenced matter. I write to request an order directing Garda CL Atlantic, Inc. to immediately pay the settlements reached at the mediation held with Martin Scheinman on October 7, 2019.

At the October 7, 2019 the claims of Dennis D'Aguino, the Estate of *Barry* Dubrow and Donald Hess were resolved. On December 16, 2019, Plaintiffs filed a joint motion for approval of the settlement. (ECF No. 74). The motion was granted by docket order on January 22, 2020.

Garda has stated: "Until the Court issues the dismissal of the *D'Aguino* case, we are not making the payment." Of Course, the court dismissed the *D'Aguino* case with prejudice on January 20, 2020. *See* ECF No. 80, a copy of which is annexed hereto as Exhibit 1.

The failure to pay is also causing hardship. Dennis D'Aguino has been out of work for months due to a serious injury. The widow of Barry Dubrow has not received a penny from her late husband's estate. Donald Hess's wife has been disabled since 2006. As explained to the Court on January 9, 2020, he and his wife are trying to move out of state and relocate for health reasons. They are depending upon the settlement to help with the move. In order to deal with his wife's uncovered medical expenses, he has taken a second job and works seven days a week.

Garda claims that the Court "cannot issue any orders now" because of the appeal filed by some of the *Adkins* plaintiffs. Of course, the Court *can* issue orders regarding the claims of the *D'Aguino* plaintiffs, as they did not file any appeal, and the Court still has jurisdiction over these claims.

MOSER LAW FIRM, P.C.



April 6, 2020
Page 2 of 2

I ask that the Defendants be ordered to pay the settlement immediately. In the words of Mr. Hess, *"Please do what you can."*

Respectfully submitted,

/s/

Steven John Moser